

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

IN RE:  
EDMUNDO DELGADO  
ZORAIDA E GARCIA-DELGADO  
Debtor(s)

CASE NO.: 6:14-bk-10677-ABB  
CHAPTER 13

**VERIFIED MOTION TO STRIP LIEN OF PARTNERS FEDERAL CREDIT UNION**

(Re: 9933 Crenshaw Cir, Clermont, FL 34711)

**NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection or other matter without further notice or hearing unless a party in interest files an objection within thirty (30) days from the date of service of this paper. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at 400 W Washington Street, Suite 5100, Orlando, Florida 32801 and serve a copy on the Debtors' attorney, Walter F. Benenafi, Esq., 105 E. Robinson Street, Suite 302, Orlando, Florida 32801.

If you file and serve an objection within the time permitted, the Court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice or hearing and may grant the relief requested

COME(s) NOW the Debtors, Edmundo Delgado and Zoraida E Garcia-Delgado, and file this Verified Motion to Strip Lien of Partners Federal Credit Union and for Determination that Claim is Unsecured pursuant to Section 506(a) of the Bankruptcy Code and would show:

1. The Debtor believes her home is worth \$129,023.00.
2. There are two (2) mortgages that are secured by the home located at 9933 Crenshaw Cir, Clermont, FL 34711, and more particularly described as:

**LOT 64, LOUISA POINTE, PHASE II, ACCORDING TO THE PLAT THEREOF AS  
RECORDED IN PLAT BOOK 44, PAGES 29 AND 30, PUBLIC RECORDS OF LAKE  
COUNTY, FLORIDA.**

3. The first mortgage is held by Bayview Financial Loan, with a principle balance of \$204,636.09.
4. The second mortgage is held by CitiMortgage Inc. with a principle balance of \$77,000.00.
5. The home is valued at less than the total balance of the first mortgage.
6. Any timely claim filed by Partners Federal Credit Union should, therefore, be treated as an unsecured claim.
7. A copy of the current value of the home is attached (see Attached Exhibit "A").

WHEREFORE, the Debtors request that the Court value the homestead at the current value and treat the second mortgage owed to Partners Federal Credit Union as an unsecured creditor.

**AFFIDAVIT**

We, Edmundo Delgado and Zoraida E Garcia-Delgado, declare under penalties of perjury, that the foregoing Motion to Strip Lien of Partners Federal Credit Union is true and correct to the best of my knowledge, information, and belief.

12-8-2014  
Date

[Signature]  
EDMUNDO DELGADO

12-8-14  
Date

Zoraida E Garcia-Delgado.  
ZORAIDA E GARCIA-DELGADO

State of Florida

County of Orange

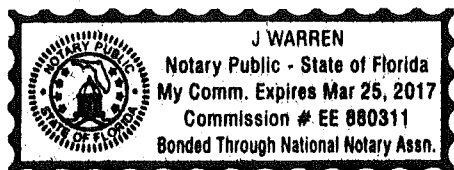
Sworn before me this 8 day of December, 2014.

WITNESS my hand and official seal

Signature: [Signature]

Affiant: \_\_\_\_\_ Known: \_\_\_\_\_ Produced ID: X

Type of ID: FL DL LIC



Respectfully submitted,

/s/ WALTER F. BENENATI  
WALTER F. BENENATI, ESQ.  
Florida Bar No.: 46679

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via US first class mail or electronic transmission to Laurie K. Weatherford, through Electronic Case Filing; Edmundo Delgado and Zoraida E Garcia-Delgado, 9933 Crenshaw Cir, Clermont, FL 34711; Partners Federal Credit Union, 2190 S Town Centre Place, Anaheim, CA 92806 this 8<sup>th</sup> day of December 2014.

/s/ WALTER F. BENENATI  
WALTER F. BENENATI, ESQ.  
Florida Bar No.: 46679  
Law Offices of Walter F. Benenati  
Credit Attorney, P.A.  
105 E. Robinson Street Suite 302  
Orlando, Florida 32801  
(407) 236-7171  
(407) 236-7667  
Attorneys for Debtors

## Property Record Card

### General Information

Alternate Key:	3795434	Parcel:	16-23-26-120500006400
Owner Name:	DELGADO EDMUNDO & ZORAIDA E	Millage:	0003 (Unincorporated) : 14.6705
Owner Address:	9933 CRENSHAW CIR CLERMONT, FL 34711	Property Location:	9933 CRENSHAW CIR CLERMONT FL 34711
Legal Description:	LOUISA POINTE PHASE II SUB LOT 64 PB 44 PGS 29-30   ORB 2038 PG 1490		

### Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class	Value	Just Value
1	DRY SFR LOT (0100)	0	0		1	LT		\$0.00	\$21,500.00

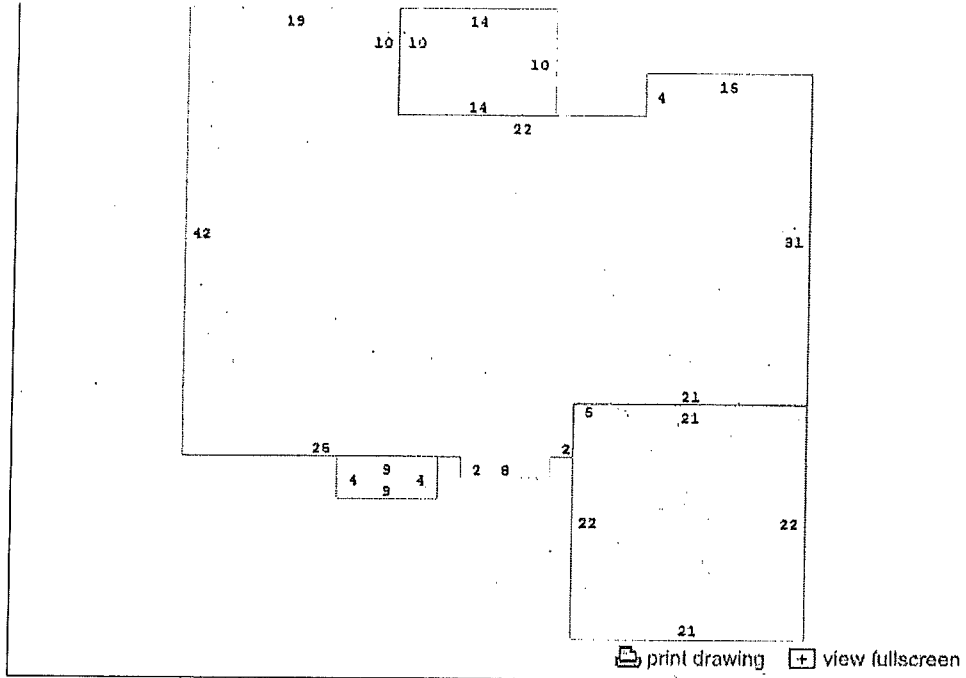
### Residential Building(s)

#### Building 001

Residential		Single Family		Building Value: \$107,523.00					
Summary									
Year Built: 2001		Total Living Area: 1953		Central A/C: Yes			Attached Garage: Yes		
Bedrooms: 3		Full Bathrooms: 2		Half Bathrooms: 0			Fireplaces: 1		
Section(s)									
Section No.	Section Type	Ext. Wall Type	No. Stories	Floor Area	Finished Attic	Basement	Basement Finished	Map Color	
1	FINISHED LIVING AREA (FLA)	Stucco/Brick (003)	1	1953	N	0%	0%		
2	GARAGE (GCF)	Stucco/Brick (003)	1	462	N	0%	0%		
3	OPEN PORCH (OPF)	No Wall Type (000)	1	36	N	0%	0%		
4	OPEN PORCH (OPF)	No Wall Type (000)	1	140	N	0%	0%		

Exhibit "A"

4/11/2014



### Miscellaneous Improvements

There is no Improvement Information to display.

### Sales History

O.R. Book / Page	Sale Date	Instrument	Q/U	Vac./Imp.	Sale Price
1908 / 1324	2/12/2001	WD	M	V	\$1.00
2038 / 1490	11/29/2001	WD	Q	I	\$133,400.00

### Value

#### Estimated Tax Calculation

(Assumes qualifying residential property. No additional exemptions included.)

<b>Total Just Value:</b>	\$129,023.00
<b>Save Our Homes Benefit:</b> -	\$6,083.00
<b>Assessed Value:</b> =	\$122,940.00
<b>Other Exemptions:</b> -	\$0.00
<b>Total Homestead:</b> -	\$50,000.00
<b>Total Taxable Value:</b> =	\$72,940.00
<b>Millage Rate:</b> <input type="text" value="7"/> x	0.0146705
<b>Base Ad-Valorem Tax:</b> =	\$1,064.46
<b>Non-Exempt School Levies:</b> +	\$184.85
<b>Estimated Ad-Valorem Tax:</b> =	\$1,249.31

What could my ad-valorem taxes be like over time?

How can the assessment of my homestead property increase even when there has been a reduction in my fair market value?

\* The just values are NOT certified values and therefore are subject to change before being finalized for ad valorem assessment purposes. The estimated tax totals do not reflect Non-Ad Valorem assessments. (Fire Fees, Solid Waste, etc.) Please consult the Tax Collector for actual taxation amounts.

### Truth In Millage (TRIM) Notice